

Republic of Iraq
Federal Supreme Court
Ref 88/ federal/2024



Kurdish text

The Federal Supreme Court (F S C) has been convened on 24/7/2024 headed by Judge Jassim Mohammed Abood and membership of Judges Sameer Abbas Mohammed, Ghaleb Amir Shunain, Hayder Jaber Abid, Hayder Ali Noori, Khalaf Ahmed Rajab, Ayoob Abbas Salih, Dyar Mohammed Ali, and Munther Ibrahim Husain who are authorized in the name of the people to judge and they made the following decision:

Applicant for interpretation: President of the Republic - Abdullatif Jamal Rashid / being in this capacity.

Subject of the request: Interpretation of the text of Article (60/1st) of the Constitution of the Republic of Iraq of 2005, and a statement on whether the Presidency of the Republic may send bills individually or are the bills under Article (60/1st) submitted jointly between the Presidency of the Republic and the Council of Ministers.

The Request:

The Federal Supreme Court received the application submitted by the President of the Republic/ being in this capacity - Abdullatif Jamal Rashid, entitled (Request for Interpretation), according to the letter of the Presidency of the Republic / Authority of Advisors and Experts / Office of the President of the authority in number (Heh.Mim/2/138 on 11/3/2024) containing a request to interpret the text of Article (60/1st) of the Constitution of the Republic of Iraq of 2005, which stipulates that: (Draft laws submitted by the President of the Republic and the Council of Ministers), a statement on whether the Presidency of the Republic may send draft laws individually or whether draft laws under Article

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(60/1st) are submitted jointly between the Presidency of the Republic and the Council of Ministers for the reasons detailed in the request, the conclusion of which lies in the following: ((Since the first parliamentary session under the 2005 Constitution, the Presidency of the Republic has been sending draft laws to the Council of Representatives, to take their way to legislation in accordance with the provisions of Article 60/I of the Constitution, which stipulates that (draft laws shall be submitted by President of the Republic and the Council of Ministers) in accordance with the provisions of Article (60/1st) and Article (61/1st) of the Constitution, the Council of Representatives has enacted a large number of laws in force or awaiting the turn to finalize the stages of their legislation, sent by the Presidency of the Republic in the form of draft laws. The Federal Supreme Court has already issued a decision No. (44/Federal/2010) on 12/7/2010 on the occasion of the unconstitutionality of the Law No. (18) of 2010 on the disengagement of social affairs departments in the Ministry of Labor and Social Affairs, a decision indicating that the submission of draft laws is either by the President of the Republic or the Council of Ministers (... Article 60 of the Constitution of the Republic of Iraq establishes two executors through which draft laws are submitted, and these two executors belong exclusively to the executive authority, namely the President of the Republic or the Council of Ministers...) this was followed by the issuance of several decisions by the Federal Supreme Court confirming that the draft laws submitted by the President of the Republic or the Council of Ministers, including its decision No. (64/Federal/2013) on 26/8/2013, after the Presidency of the Republic submitted several bills to the Council of Representatives in the fifth parliamentary session, among them are draft laws to annul the decisions of the dissolved Revolutionary Command Council, which the Federal Supreme Court has

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previously ruled unconstitutional, the Prime Minister's Office and the General Secretariat of the Council of Ministers submitted requests not to present them on the agenda to make its way to legislation, arguing that the Presidency of the Republic does not have a private face submission of draft laws, the powers of which are contained in Article (60/1st) of the Constitution are restricted by the participation of the Council of Ministers, the draft law shall hereby be submitted on the obligatory basis and not individually to each executive branch. The Council of Ministers shall submit draft laws individually under Article (80/2nd) of the Constitution (the Council of Ministers shall exercise the following powers: Proposing draft laws)), for the foregoing, and based on the provisions of Article (93/2nd) of the Constitution of the Republic of Iraq of 2005, and Article (4/2nd) Federal Supreme Court Law No. 30 of 2005 as amended by Law No. 25 of 2021, article (24) of the Rules of Procedure of the Federal Supreme Court No. (1) of 2022 and in accordance with Article (19) thereof, the request for interpretation was submitted, and when the request was subject to scrutiny and deliberation, the court issued the following interpretative decision:

The Decision:

Upon scrutiny and deliberation by the Federal Supreme Court, it was found that the application was submitted for the purpose of interpreting the text of Article (60/1st) of the Constitution of the Republic of Iraq of 2005, which stipulates that: (Bills shall be submitted by the President of the Republic and the Council of Ministers), and a statement as to whether the Presidency of the Republic may send bills individually or are the draft laws under Article (60/1st) submitted jointly between the Presidency of the Republic and the Council of Ministers in accordance with the details contained in the request, and the Federal Supreme Court,

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after extrapolating the provisions of the Constitution of the Republic of Iraq of 2005 and referring to the Court's previous rulings and decisions, finds that the jurisprudence of this Court has settled in many of its decisions, including its decisions No. (44/Federal/2010) on 12/7/2010 and No. (64/Federal/2013) on 26/8/2013 that draft laws in accordance with the Constitution singled out the executive authority to submit them, as the Constitution of the Republic of Iraq for the year 2005 has stipulated in Article (60/1st) thereof two executors through which draft laws are submitted, they are the President of the Republic and the Council of Ministers, and in response to what was stated in the request of the Presidency of the Republic. The Federal Supreme Court has found that the President of the Republic and the Council of Ministers may submit draft laws to the Council of Representatives, with the exception of the general budget and final account law, which the President of the Republic may not submit. Rather, it is submitted exclusively by the Council of Ministers in accordance with the provisions of Article (80/4th) of the Constitution of the Republic of Iraq for the year 2005, and the decision has been issued unanimously, final and binding for all authorities based on the provisions of Articles (93 and 94) of the Constitution of the Republic of Iraq for the year 2005, articles (4 and 5/2nd) of the Federal Supreme Court Law No. (30) of 2005, as amended by Law No. (25) of 2021, and it has been edited in the session dated 17/Muharram/1446 A.H. Corresponding to 24/7/2024 AD.

Judge
Jasem Mohammed Abood
President of the Federal Supreme Court

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